
Federal Communications Commission

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Norfolk Southern Corporation)	File No. EB-10-DT-0084
Registrant of Antenna Structure)	
ASR # 1026361)	NOV No. V201032360008
South Lorain, Ohio)	
)	

NOTICE OF VIOLATION

Released: May 18, 2010

By the District Director, Detroit Office, Northeast Region, Enforcement Bureau:

1. This is a Notice of Violation ("Notice") issued pursuant to Section 1.89 of the Commission's Rules¹ to Norfolk Southern Corporation ("Norfolk Southern"), the owner of antenna structure number 1026361 in South Lorain, Ohio.
2. On March 28, 2010, agents of the Commission's Detroit Office inspected antenna structure number 1026361, located at the coordinates 41-26-50.0 North Latitude / 082-05-12.0 West Longitude in South Lorain, Ohio and observed the following violation:

47 C.F.R. § 17.51(b): "Time when lights should be exhibited... (b) All high intensity and medium intensity shall be exhibited continuously unless otherwise specified." Antenna structure number 1026361 is assigned painting and lighting specifications in accordance with FAA Circular Number 70/7460-1J, FAA Chapters 4, 6, 13. Chapter 6 specifies a medium intensity flashing white lighting system standard with a control device that switches to a low intensity for night mode operation. After local sunset, the tower lighting continued flashing medium intensity and did not transition to low intensity.
3. Pursuant to Section 403 of the Communications Act of 1934, as amended,² and Section 1.89 of the Commission's Rules, Norfolk Southern must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response must fully explain each violation, must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and should include a time line for completion of pending corrective action(s). The response must be complete in itself and signed by a principal or officer of the tower owner. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

¹ 47 C.F.R. § 1.89.

² 47 U.S.C. § 403.

Federal Communications Commission

Federal Communications Commission
Detroit Office
24897 Hathaway Street
Farmington Hills, Michigan 48335

4. This Notice shall be sent to Norfolk Southern at its address of record.
5. The Privacy Act of 1974³ requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance. Any false statement made knowingly and willfully in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁴

FEDERAL COMMUNICATIONS COMMISSION

James A. Bridgewater
District Director
Detroit Office
Enforcement Bureau
Northeast Region

³ P.L. 93-579, 5 U.S.C. § 552a(e)(3).

⁴ 18 U.S.C. § 1001 *et seq.*